

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT S.D. BERGEN,

Petitioner,

v.

DR. HENRY RICHARDS,

Respondent.

Case No. C06-819RSL

ORDER DENYING MOTION
FOR EVIDENTIARY HEARING

This matter comes before the Court on petitioner's Motion Requesting Evidentiary Hearing (Dkt. #20). Petitioner previously sought an evidentiary hearing in connection with his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On November 21, 2006, the Court transferred this case to the United States Court of Appeals for the Ninth Circuit because the petition was successive and petitioner had not sought or obtained permission to file it.

The Ninth Circuit construed petitioner's filings as an application for authorization to file a second or successive § 2254 petition in the district court, and denied the request. Accordingly, this Court is without jurisdiction to consider petitioner's § 2254 petition and the related request for an evidentiary hearing.

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1 For this reason, petitioner's request for an evidentiary hearing is DENIED. The
2 Court will not consider any further requests for an evidentiary hearing in this closed case.

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5 DATED this 30th day of April, 2007.

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8 Robert S. Lasnik
9 United States District Judge
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